

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Greenway Energy, LLC,)	Civil Action No. 1:23-cv-00467-MGL
)	
Plaintiff,)	
)	
vs.)	<u>PLAINTIFF'S ANSWERS TO LOCAL</u>
)	<u>RULE 26.01 INTERROGATORIES</u>
Battelle Savannah River Alliance, LLC,)	
)	
Defendants.)	
)	
)	

Pursuant to Local Civil Rule 26.01 of the United States District Court for the District of South Carolina, Plaintiff Greenway Energy, LLC ("Plaintiff"), by and through its undersigned attorneys, hereby answer the Local Civil Rule 26.01 Interrogatories, as follows:

- (A) **State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.**

RESPONSE:

At this time, Plaintiff is not aware of any person or legal entity that may have a subrogation interest.

- (B) **As to each claim, state whether it should be tried jury or non-jury and why.**

RESPONSE:

Plaintiff's breach of contract claim should be tried by a jury, as it is an action at law for which Plaintiff has a right to trial by jury and has so demanded in its Complaint. Plaintiff's claims for specific performance, unjust enrichment, promissory estoppel, and injunction should be tried non-jury, as they are actions in equity.

- (C) State whether the party submitting these responses is a publicly owned company and separately identify (1) any parent corporation and any publicly held corporation owning ten percent (10%) or more of the party's stock; (2) each publicly owned company of which it is a parent; and (3) each publicly owned company in which the party owns ten percent (10%) or more of the outstanding shares.

RESPONSE:

Greenway Energy, LLC is a privately owned limited liability company formed in the State of South Carolina.

- (D) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). See Local Civ. Rule 3.01 (D.S.C.).

RESPONSE:

This Court has personal jurisdiction over BSRA. BSRA's principal place of business and operations is in Aiken, South Carolina, where it provides services in laboratory management, nuclear operations, national security, and scientific research to Savannah River National Laboratory, the applied research and development laboratory at the U.S. Department of Energy's (DOE) Savannah River Site (SRS). The Parties, moreover, executed the License Agreement in Aiken, South Carolina, and also have substantially performed thereunder in Aiken, South Carolina.

- (E) Is this action related in whole or in part to any other matter filed in this district, whether civil or criminal? If so, provide (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases that may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the clerk of court based on a determination of whether the cases arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

RESPONSE:

This action is tangentially related to *USA v. Greenway Energy LLC, et al*, USDC District of South Carolina, Aiken Division, Case No. 1:22-cr-00829-TLW, in which Greenway has pled guilty to charges relating to activity that ended in 2019. Greenway's plea in that matter led to the Department of Energy's issuance of a Notice of Suspension, one of the grounds on which Defendant BSRA relies to support its termination of a license agreement with Greenway. Sentencing in the criminal matter is currently scheduled for February 14, 2023. In an abundance of caution, and in order to avoid putting Judge Wooten in the unenviable position of having to disregard documents he has read and arguments and testimony he has heard in the criminal matter, this matter should be assigned to another judge.

- (F) **[Defendants only.] If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.**

RESPONSE:

N/A.

- (G) **[Defendants only.] If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of their liability.**

RESPONSE:

N/A.

- (H) **Parties or Intervenorors in a Diversity Case. In an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), a party or intervenor must, unless the court orders otherwise, name – and identify the citizenship of – every individual or entity whose citizenship is attributed to that party or intervenor. This response must be supplemented when any later event occurs that could affect the court's jurisdiction under § 1332(a).**

RESPONSE:

Plaintiff Greenway Energy, LLC is a limited liability company formed in the state of South Carolina in 2006. Greenway's sole member and manager is Scott Greenway, who is a resident of Aiken, South Carolina.

Upon information and belief, Defendant Battelle Savannah River Alliance, LLC is a limited liability company formed in the state of Delaware on May 4, 2020, and wholly owned and operated by Battelle Memorial Institute. Upon information and belief, Battelle Memorial Institute is a corporation incorporated in the state of Ohio on March 27, 1925, with its headquarters and principal place of business in Columbus, Ohio.

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February 1, 2023